IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1075 OF 2007

1.Mr.Dattatray Pandurang Thombare,
2.Mr.Balasaheb Pandurang Thombare,
3.Mr.Ganesh Dattatraya Thombare, &
4.Mr.Rahul Balasaheb Thombare. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.S.N.Chimade, Adv. for the Applicants.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 12th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.I-92 of 2006 of Vadner Bhairav Police Station, Niphad. The said case is under Section 302 of IPC.

3. It is the prosecution case that the present applicants along with four others assaulted deceased Subhash with sticks and fist blows. Only two injuries were found on the body of the deceased i.e. contusions on the back. The cause of death is death due to cardiac failure i.e.

heart attack.

4. Looking to the facts of this case, *prima facie*, I am of the opinion that the case of the applicant does not fall under Section 302 of IPC. Hence, I am inclined to grant bail to the applicants.

5. The applicants Dattatray Pandurang Thombare, Balasaheb Pandurang Thombare, Ganesh Dattatraya Thombare, and Rahul Balasaheb Thombare to be released on bail in the sum of Rs.25,000/- each with one or two sureties to make up the said amount. The applicants shall not enter in Chandwad taluka, till disposal of the trial. Before being released on bail the applicants shall inform the officer of Vadner Bhairav Police Station, Niphad, District - Nashik the address at which they will reside during the period that there are on bail. The applicants shall report to the nearest police station to that address, once in a week, till conclusion of the trial.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)